

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Junior Colleges - Hon'ble High Court - Orders dated 05-10-2010 in W.P.M.P.No.10442 of 2006 and WVMP.No.1375 of 2006 in W.P.No.7304 of 2004 filed by Sri P.Venugopal Reddy, Physical Director, Sri Venugopal Swamy Junior College, Nellore for admission into Grant-in-Aid - Orders-Issued.

HIGHER EDUCATION (I.E.II) DEPARTMENT

G.O.Ms.No.11

Dated:12-03-2012

Read the following:-

- 1) From the High Court of A.P., Orders dated 27-4-2006 in W.P.M.P.No.10442 of 2006 in W.P.No.7304 of 2004.
- 2) From the High Court of A.P., Orders dated 05-10-2010 in W.P.M.P.No.10442 of 2006 and WVMP.No.1375 of 2006 in W.P.No.7304 of 2004.
- 3) From the High Court of A.P. orders dated 8-2-2010 in W.P.M.P.No.3384 of 2010 in W.P.No.2539 of 2010.
- 4) From the Govt.Pleader for Higher Education Department, A.P. High Court Lr.No.WP.7304/FY/HE/CE/TE/IE, dated 29-9-2011
- 5) From Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-2/5419/2002, dated 27-10-2011.
- 6) Contempt Case No.1322 of 2011 filed by Sri P.Venugopal Reddy, Physical Director.

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ORDER:

Sri P.Venugopal Reddy, Physical Director, Sri Venugopala Swamy Junior College, Nellore has filed W.P.No.7304 of 2004 to approve his appointment as Physical Director and also to release his salaries from May 2003 till date and the Hon'ble High Court passed interim orders dated 27-4-2006 in the reference 1st read above that "directed the 3rd respondent (i.e. Commissioner of Intermediate Education) to consider the case of the petitioner for release of Grant-in-Aid on the basis of the order of approval granted by the Secretary, Board of Intermediate Education, A.P., Hyderabad dated 23-3-2006 and in the light of the averments in the Counter Affidavit filed by the 3rd Respondent (Commissioner of Intermediate Education) himself in this W.P."

2. The Hon'ble High Court passed further orders dated 5-10-2010 in the reference 2nd cited stated that "Having suffered the order, respondent No.3 (Commissioner of Intermediate Education) filed the present vacate application supported by an additional counter affidavit. He did not even choose to seek the leave of this Court to file the said additional counter. Further, as his pleadings were taken into account, it is not open to respondent No.3 to once again supplement the same by filing an additional counter and seek vacation of the order. The vacate application is accordingly dismissed making the interim order dated 27-4-2006 absolute".

3. In the reference 3rd cited Sri P.Venugopal Reddy, Physical Director, SVGS. Junior College, Nellore filed another W.P.No.2539 of 2010 against the Govt.Memo No.42351/IE.II-1/2004, dated 2-1-2010 in which Government instructed the Director to cancel all the (63) irregular appointments (including Sri P.Venugopal Reddy, Physical Director) made during ban period after issuing Show Cause Notice and to treat the said Physical Directors and Librarians as contract appointments since they were made in contravention of the orders issued by the Government. Accordingly, Director of Intermediate Education issued Show Cause notices to all the 63 of them vide Director of Intermediate Education Prods.No.Admn.I-B-2/1055/2002-1, dated 12-1-2010. The Hon'ble High Court has passed Interim orders dated 8-2-2010 in W.P.M.P.No.3384 of 2010 in W.P.No.2539 of 2010 and also in other WPs filed by 63 Physical Directors/Librarians as "Interim directions as prayed for". As per the above Interim orders, all the 63 PDs and Librarians including Sri P.Venugopal Reddy, Physical Director, are continuing in the service.

4. In the reference 4th read above, the Government Pleader for Higher Education Department, A.P.High Court has opined that as per orders passed in W.P.M.P.No.10442 of 2006 dated 27-4-2006 and which was subsequently made absolute, we have no option but to consider the case of the petitioner for releasing the Grant-in-Aid. However, this could be subject to the result of the W.P.No.2539 of 2010 wherein, an Interim order of suspension was passed with regard to the cancellation of 63 irregular appointments during the ban period.

5. The Commissioner of Intermediate Education, A.P., Hyderabad has requested the Government vide reference 5th cited to consider the request of Sri P.Venugopal Reddy, Physical Director for admission into Grant-in-Aid subject to outcome of final orders of High Court pending in respect of all the 63 cases to avoid further legal complications.

6. In the reference 6th cited, Sri P.Venugopal Reddy, Physical Director, SVGS.Junior College, Nellore has filed Contempt Case No.1322 of 2011 before the Hon'ble High Court to implement the orders dated 5-10-2010 in W.P.M.P.No.10442 of 2006 and WVMP.No.1375 of 2006 in W.P.No.7304 of 2004.

7. Government after careful examination and in order to comply with the orders of the Hon'ble High Court and based on the opinion given by the Government Pleader for Higher Education, A.P.High Court in the case, hereby permit the Commissioner of Intermediate Education for admitting Sri P.Venugopal Reddy, Physical Director, SVGS.Junior College, Nellore into Grant-in-Aid.

8. The orders issued in Para (7) above are subject to outcome of Writ Petition No.2539 of 2011 filed by Sri P.Venugopal Reddy, Physical Director, SVGS. Junior College, Nellore against the Govt.Memo No.42351/IE.II(1)/2004, dated 02-01-2010 and consequential Proceedings No.Admn.I-B-2/1055/2002-1, dated 12-01-2010 of the Director of Intermediate Education, A.P., Hyderabad, which is pending before the Hon'ble High Court. These orders are applicable to the Writ Petitioner only.

9. The Commissioner of Intermediate Education, Hyderabad shall take further action accordingly.

10. This order issues with the concurrence of the Finance (Expr.HE) Dept., vide their U.O.No.5974/153/Expr.HE/12, dated 6-3-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (SE)

To
The Commissioner of Intermediate Education, A.P., Hyderabad.
Copy to:
Sri P.Venugopal Reddy, Physical Director, SVGS.Junior College, Nellore
through Commissioner of Intermediate Education, Hyderabad.
The Secretary & Correspondent, SVGS.Junior College, Nellore through
Commissioner of Intermediate Education, A.P., Hyderabad.
The Director of Treasuries & Accounts, Hyderabad.
The District Treasury Officer, Nellore.
The Director of Local Fund Accounts, Hyderabad.
The Govt.Pleader for H.E.Dept., A.P.High Court, Hyderabad.
The Finance (Expr.HE) Dept.
SF/SC.

// Forwarded :: By Order //

SECTION OFFICER